

**COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF TELECOMMUNICATIONS AND ENERGY**

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Investigation by the Department of Telecommunications and)	
Energy, on its own motion, as to the propriety of the)	
rates and charges set forth in M.D.T.E. No. 17, filed with)	D.T.E. 98-57-
the Department on May 5, 2000 and June 14, 2000 to become)	Phase III
effective October 2, 2000 by Verizon New England, Inc.)	
d/b/a Verizon Massachusetts)	
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**HEARING OFFICER RULING ON
VERIZON MASSACHUSETTS' MOTION FOR STAY**

On October 28, 2002, Verizon New England, Inc. d/b/a Verizon Massachusetts ("Verizon") appealed to the Commission a Hearing Officer Ruling on Resuming the Procedural Schedule, dated October 18, 2002. On October 28, 2002, Verizon also filed a Motion for Stay of the Hearing Officer Ruling pending the Department's decision on Verizon's appeal ("Motion for Stay"). No party filed an opposition to the Motion for Stay.

The Hearing Officer Ruling (1) directed Verizon "to file an updated PARTS tariff with the Department to reflect the actual PARTS offering by November 15, 2002"; (2) reopened the record in this proceeding to take evidence regarding "impairment" under 47 U.S.C. § 251 and incorporated the Electronic Loop Provisioning issue into this proceeding; and (3) directed the parties to submit a proposed procedural schedule by October 31, 2002 (Motion for Stay, at 2-4). Verizon maintains that "the issue of whether and to what extent further investigation is required would be directly affected by the Department's decision on appeal" (*id.* at 4). Verizon argues that granting a stay is justified because it would "minimize confusion and unnecessary disruption" should the Commission reverse or modify the Hearing Officer Ruling (*id.*).

Ordinarily, pursuant to 220 C.M.R. § 1.06(6)(d)(2), rulings and decisions of the hearing officer remain in full force and effect unless and until set aside or modified by the Commission. Because the November 15, 2002 deadline is fast approaching, and the basis of Verizon's appeal is that the Department cannot direct Verizon to file an updated PARTS tariff and that no further evidence should be taken in this proceeding, I find good cause on grounds of administrative efficiency to stay the Hearing Officer Ruling pending appeal, so that the Commission will have sufficient time to consider the appeal.

Therefore, Verizon's Motion for Stay is GRANTED. The Hearing Officer Ruling, dated October 18, 2002, is STAYED pending Verizon's appeal.

Under the provisions of 220 C.M.R. § 1.06(6)(d)(3), any party may appeal this Ruling to the Commission by filing a written appeal with supporting documentation within five (5) days of this Ruling. Any appeal must include a copy of this Ruling.

Jesse S. Reyes, Hearing Officer

Date: November 13, 2002